

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MARTIN J. WALSH, Secretary of
Labor, United States Department of
Labor,

Plaintiff,

V.

HI TECH MOTORCARS, LLC; HI TECH
IMPORTS, LLC; and HI TECH LUXURY
IMPORTS, LLC,

Defendants.

Civil Action No. 1:21-cv-00899-RP

PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT AGAINST
DEFENDANTS HI TECH MOTORCARS, LLC AND HI TECH LUXURY IMPORTS, LLC

COMES NOW Plaintiff, Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Plaintiff” or “Secretary”), and pursuant to Federal Rules of Civil Procedure 12 and 55, respectfully requests the Clerk enter a default against Defendants Hi Tech Motorcars, LLC and Hi Tech Luxury, Imports, LLC (collectively “Defaulting Hi Tech Defendants”) on the basis that the record in this case demonstrates that there has been a failure to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

Federal Rule of Civil Procedure 12(a)(4)(A) states that if the court denies a motion under this provision or postpones its disposition until trial, a responsive pleading must be served within 14 days after notice of the court's action.

The Court denied the Defaulting Hi Tech Defendants' Motion to Dismiss on July 22, 2022, and notice was sent to all parties via the ECF filing system. See ECF Document No. 9, July 22, 2022

Court Order. Accordingly, the Defaulting Hi Tech Defendants' Answers were due on August 5, 2022. See Federal Rule of Civil Procedure 12(a)(4)(A). The Defaulting Hi Tech Defendants filed nothing. Thus, respectfully, the Clerk must now hold them in default.

Respectfully submitted,

SEEMA NANDA
Solicitor of Labor

JOHN RAINWATER
Regional Solicitor

CONNIE M. ACKERMANN
Deputy Regional Solcitor

MARY KATHRYN COBB
Counsel for Civil Rights

/s/ Matthew P. Sallusti
MATTHEW P. SALLUSTI
Senior Trial Attorney
Texas Bar No. 24013447
sallusti.matthew@dol.gov
docket.dallas@dol.gov

U. S. Department of Labor
Office of the Solicitor
525 Griffin Street, Suite 501
Dallas, Texas 75202
Telephone (972) 850-3100
Facsimile (972) 850-3101
RSOL No. 0620-21-00529

Electronically filed August 8, 2022

CERTIFICATE OF SERVICE

On August 8, 2022, the undersigned served this pleading on the Defaulting Hi Tech Defendants' Counsel via email and the ECF system:¹

Donald W. Gould, II
JOHNSON DELUCA KURISKY & GOULD, P.C
4 Houston Center
1221 Lamar Street, Suite 1000
Houston, Texas 77010
Email: dgould@jdkglaw.com

/s/ Matthew P. Sallusti

MATTHEW P. SALLUSTI
Senior Trial Attorney

¹ Because this Motion is dispositive, no certificate of conference is required pursuant to Local Rule CV-7(i). Nevertheless, the Secretary assumes the Defaulting Hi Tech Defendants oppose.